

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	C/R NO. 3:02-548-CMC
)	
)	OPINION and ORDER
v.)	
)	
Furman Benjamin Quattlebaum,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion for production of the transcript of the evidentiary hearing held April 3, 2013, at government expense. ECF No. 3747. For the reasons stated below, Defendant's motion is **granted**.

Pursuant to 28 U.S.C. § 753(f), "[f]ees for transcripts furnished in proceedings brought under section 2255 . . . to persons permitted to . . . appeal in forma pauperis shall also be paid by the United States . . . if the trial judge or a circuit judge certifies that the appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal."

The undersigned has denied a certificate of appealability and believes that Defendant's appeal is without merit. However, because the court's ruling on Defendant's motion relating to ineffective assistance of counsel was made from the bench at the conclusion of the hearing and was based upon the testimony of Defendant and witnesses presented by the Government, the court finds the transcript of the hearing should be transcribed and provided to Defendant at government expense.

Accordingly, Defendant's motion for production of the transcript at Government expense is **granted**.¹

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 15, 2013

¹Defendant also seeks a copy of the exhibit entered into evidence during the hearing. Defendant was provided a copy of the only exhibit introduced into evidence at the conclusion of the hearing.